

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVE SANDS,

Plaintiff,

- against -

BAUER MEDIA GROUP USA, LLC

Defendant.

1:17-cv-09215 (LAK)

NOTICE OF MOTION
FOR PARTIAL SUMMARY
JUDGMENT IN FAVOR OF
PLAINTIFF

PLEASE TAKE NOTICE that, upon the annexed declarations of Steve Sands, dated September 7, 2018; Donna Halperin, dated September 7, 2018; Richard P. Liebowitz, dated September 7, 2018; and the exhibits attached thereto; the annexed statement pursuant to Local Rule 56.1 of the United States District Court for the Southern District of New York of material facts as to which there is no genuine issue to be tried; the memorandum of law in support thereof; and the pleadings and prior proceedings herein, Plaintiff Steve Sands (“Plaintiff”) will move the Court, before the Honorable Judge Lewis A. Kaplan (U.S.D.J.), at the Daniel Patrick Moynihan Courthouse, 500 Pearl St., New York, New York 10007-1312, Courtroom 21B, at a time and date to be determined by the Court, for an Order granting partial summary judgment pursuant to Rule 56(a) of the Federal Rules of Civil Procedure in Plaintiff’s favor on the issue of liability for copyright infringement in violation of 17 U.S.C. § 501 (Count I of the Complaint) against Defendant Bauer Media Group USA, LLC (“Defendant”); and for the summary dismissal of Defendant’s defenses of failure to state a claim (first defense); invalidity of copyright registration (second defense); failure to register (third defense); lack of sufficient ownership interest in the copyrights (fourth defense); lack of standing (fifth defense); waiver, estoppel,

justification and consent (sixth defense); plaintiff's knowledge, representations and conduct (seventh defense); laches, unclean hands, and/or doctrine of *in pari delicto* (eighth defense); First Amendment (tenth defense); fair use (eleventh defense); release or implied license (twelfth defense); express license (thirteenth defense); and for such further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Defendant's opposition papers must be served by October 12, 2018; and Plaintiff's reply brief must be served by November 16, 2018.

Dated: Valley Stream, New York
September 7, 2018

Respectfully submitted,

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